IN THE HIGH COURT OF UTTARAKHAND AT NAINTAL

Writ Petition No. 203 of 2006 (M/B)

1. Saab Singh Mehar S/o Machha Singh,
   R/o Village and Post Badkholu,
   Patti Purvi Maniyarshu,
   District Pauri Garhwal.
2. Jata Sankar Jaguri S/o Purusotam Jaguri,
   R/o Village Jogathmalla, Post Jogath,
   District Uttarakashi.
3. Surendra Singh Pawar S/o Bagwarn Singh,
   R/o Bisht Gaon, Post Gagora,
   District Dehradun.
4. Basumati Pawar W/o Bijendra Singh Pawar,
   R/o Village Kansan, Patti Badagari,
   District Uttarkashi. ……. Petitioners

Versus

1. State of Uttaranchal,
   through Secretary, Ministry of Revenue,
   Dehradun.
2. Special Land Acquisition Officer,
   Dehradun.
3. Collector, Dehradun.
4. Tehsildar Sadar, Dehradun. ……. Respondents

Mr. Siddhartha Sah and Mr. D.C.S. Rawat, Advocates for the petitioners.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Siddharth Sah, learned counsel for the petitioners is heard on admission.

2. The petitioners have filed this writ petition for the following reliefs:

> "i. Issue a writ, order, or direction in the nature of Certiorari calling records and quashing order dated 18.11.2005 and 13.12.2005 passed by the respondent no. 3 and 2 respectively (Annexure No. 11 & 12 of the petition).
>
> ii. issue a writ and order or directions in the nature of Mandamus commanding the respondents not to

take over the possession over the land in dispute and further not to demolish the construction made by the petitioners.

iii. Pass any other and further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of he case.

Iv Award the cost of writ petition to the petitioner."

3. The matter relates to the acquisition of land measuring 2.5 acres recorded in Khasra Nos. 295, 296 and 297 of Village Mothrawala in the district of Dehradun.

4. From Annexure 11, it is apparent that an award was passed in those acquisition proceedings relating to Khasra Nos. 295,296 and 297 on 19.05.1993. Through the petitioners did not disclose in the writ petition the date of he notification under Section 4 of the Land Acquisition Act, during the course of hearing we were informed that the said notification was issued sometime in 1990. Through the petitioners claim to have purchased some land out of these Khasra umbers by was of alleged sale deeds in the year 1988, surprisingly none of he petitioners raised any objections in the acquisition proceedings which remained pending for a period of about three years. Even after passing of he award in the year 1993, the petitioners preferred to keep quite for a period of more than 10 years till the consequential orders (Annexure 11 and 12) were passed. The petitioners have not challenged the land acquisition proceedings and the award even in this writ petition.

5. In view of the matter, we do not find any substance in the writ petition and the same is liable to be dismissed.

6. The writ petition, therefore, is dismissed.

(M.M. Ghildiyal, J.) **(Rajeev Gupta, C. J.)**

28.02.200 **28.02.2006**

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